

**ZB# 07-36**

**Michael Pisacreta**

**75-1-21**

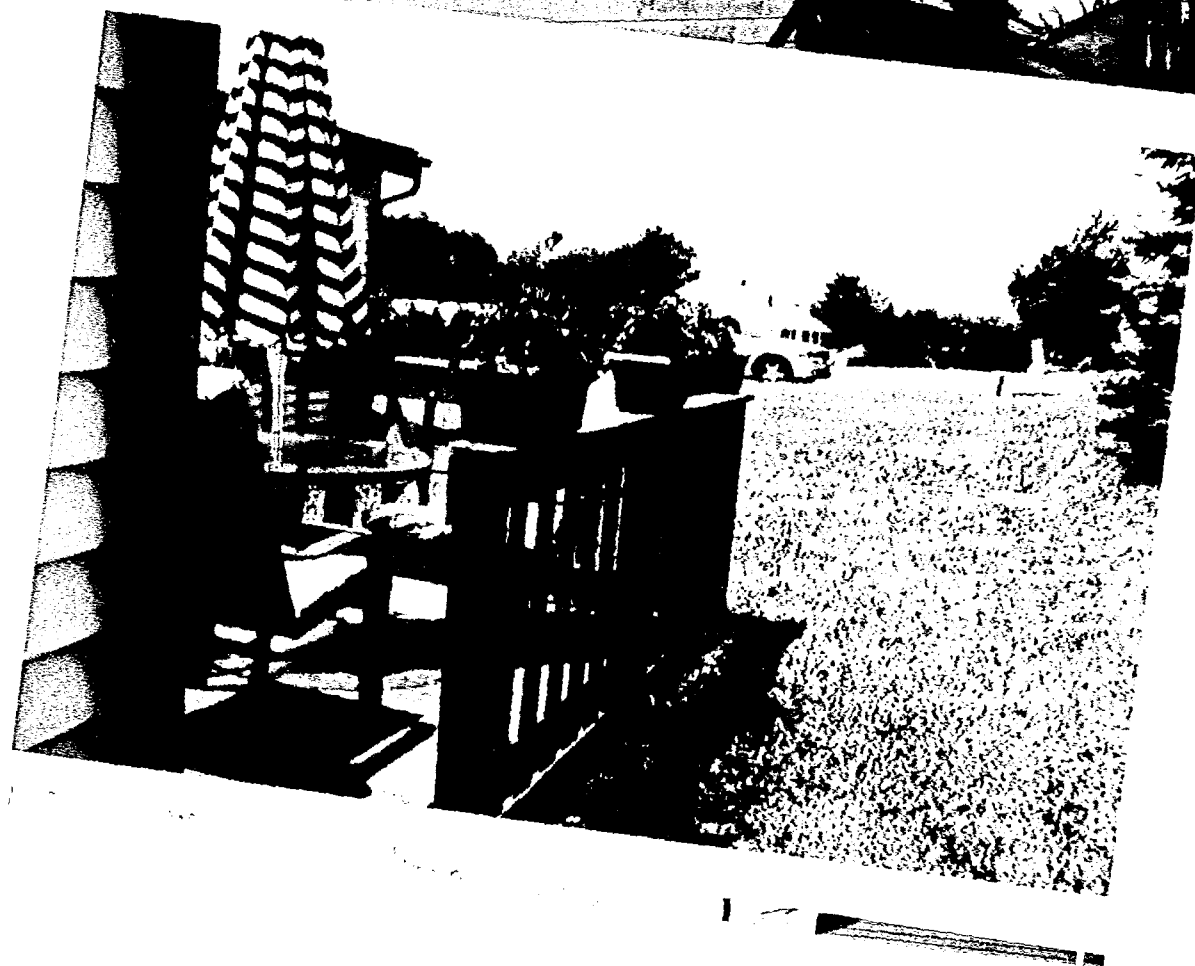
07-36

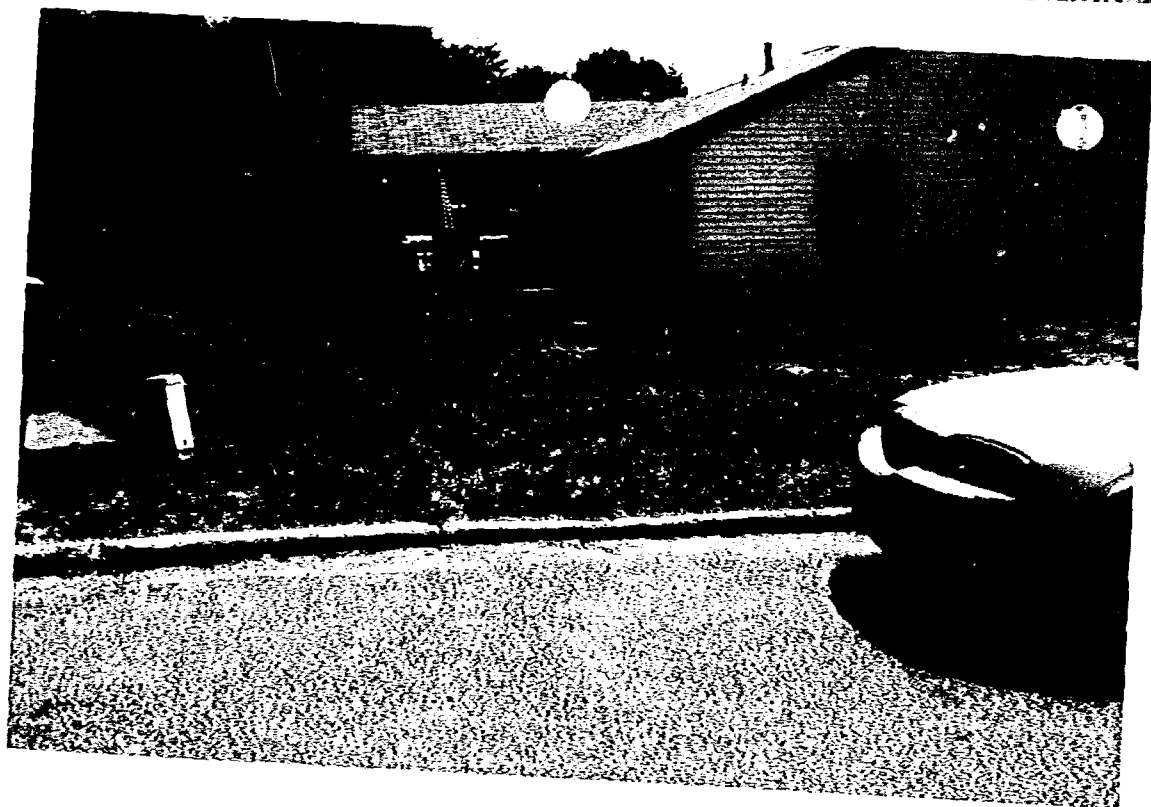
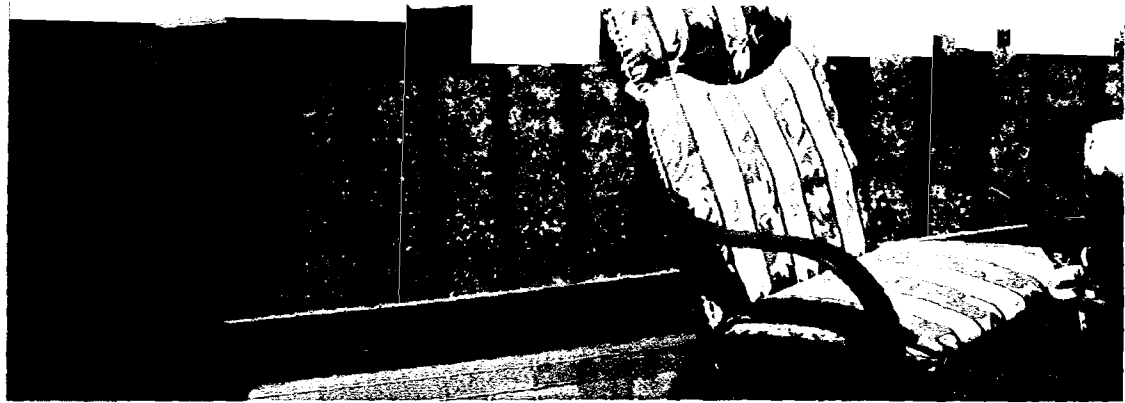
Michael Pisacreta (AREA)  
44 Keats Dr. (75-1-21)

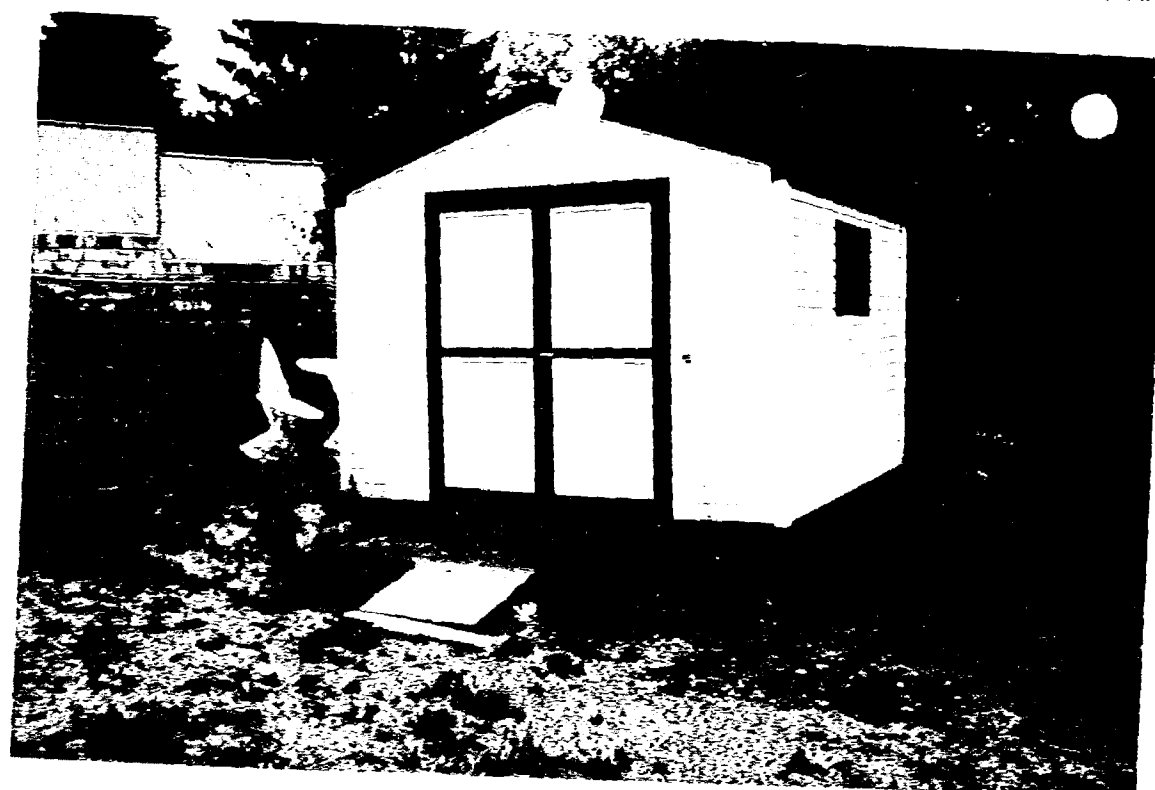
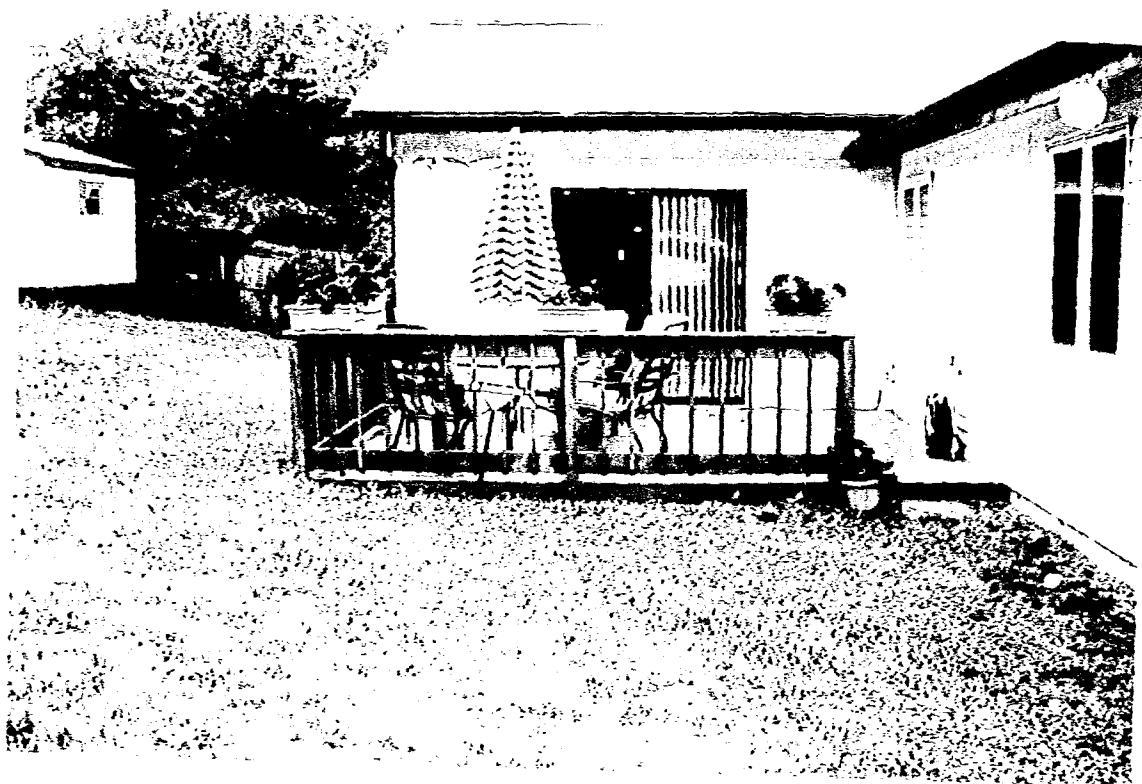
07-36

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553

*Granted 9/10/07*







**NEW WINDSOR ZONING BOARD OF APPEALS**

SBL: 75-1-21

In the Matter of the Application of

**MEMORANDUM OF  
DECISION GRANTING**

**MICHAEL PISACRETA**

**AREA VARIANCE**

**CASE #07-36**

**WHEREAS, MICHAEL PISACRETA**, owner(s) of 44 Keats Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an request for variance of existing shed, 5 foot side yard setback, 1 foot 6 inch rear yard setback and existing deck, 30 foot rear yard setback all at 44 Keats Drive.

**WHEREAS**, a public hearing was held on September 10, 2007 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared on behalf of this Application; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in favor of or in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a residential property located in a neighborhood of residential properties.
  - (b) The shed for which the applicant seeks the instant variances has been in existence for approximately 8 years, during which time he has received no complaints either formally or informally about the shed.
  - (c) In erecting the shed the applicant did not remove any trees or substantial vegetation.

- (d) The shed is not on top of nor does it interfere with any easements including, but not limited to water, sewer and electrical easements.
- (e) The shed does not create the pounding or collection of water or divert the flow of water drainage.
- (f) The shed is similar in size and appearance to other sheds in the neighborhood.
- (g) The deck is immediately adjacent to an exit portal of the building. Without the deck, a safety issue would exist because a person exiting the premises would probably fall and sustain serious physical injury.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

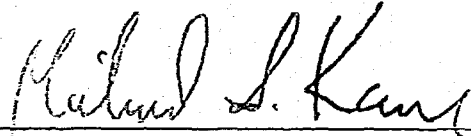
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for variance of existing shed, 5 foot side yard setback, 1 foot 6 inch rear yard setback and existing deck, 30 foot rear yard setback all at 44 Keats Drive as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: September 10, 2007

A handwritten signature in cursive script, appearing to read "Richard L. Kears", is written over a horizontal line.

Chairman



**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

**DATE: June 4, 2007**

**APPLICANT: Michael Pisacreta  
44 Keats Drive  
New Windsor, NY 12553**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 05/31/07**

**FOR : Existing Attached Rear Deck Does Not Meet Minimum 50' Rear Yard Set Back**

**LOCATED AT: 44 Keats Drive, New Windsor, NY 12553**

**ZONE: Sec/Blk/ Lot: 75-1-21**

**DESCRIPTION OF EXISTING SITE: One family house**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

- 1. Existing attached rear deck does not meet minimum 50' rear yard set back.**

  
BUILDING INSPECTOR

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-4      USE: Bulk Tables

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:      G-6'                      50'                      20'                      30'

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

6/15/07 sent Applicat.

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Bakosch  
Asst. Inspectors: Frank Lisi & Louis Kryslar  
New Windsor Town Hall  
888 Union Avenue  
New Windsor, New York 12553  
(845) 863-4818  
(845) 863-4888 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and codes that he is the owner or agent of all that certain lot, place or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

*Michael Punerets*  
(Signature of Applicant)

44 Keats Dr.  
(Address of Applicant)

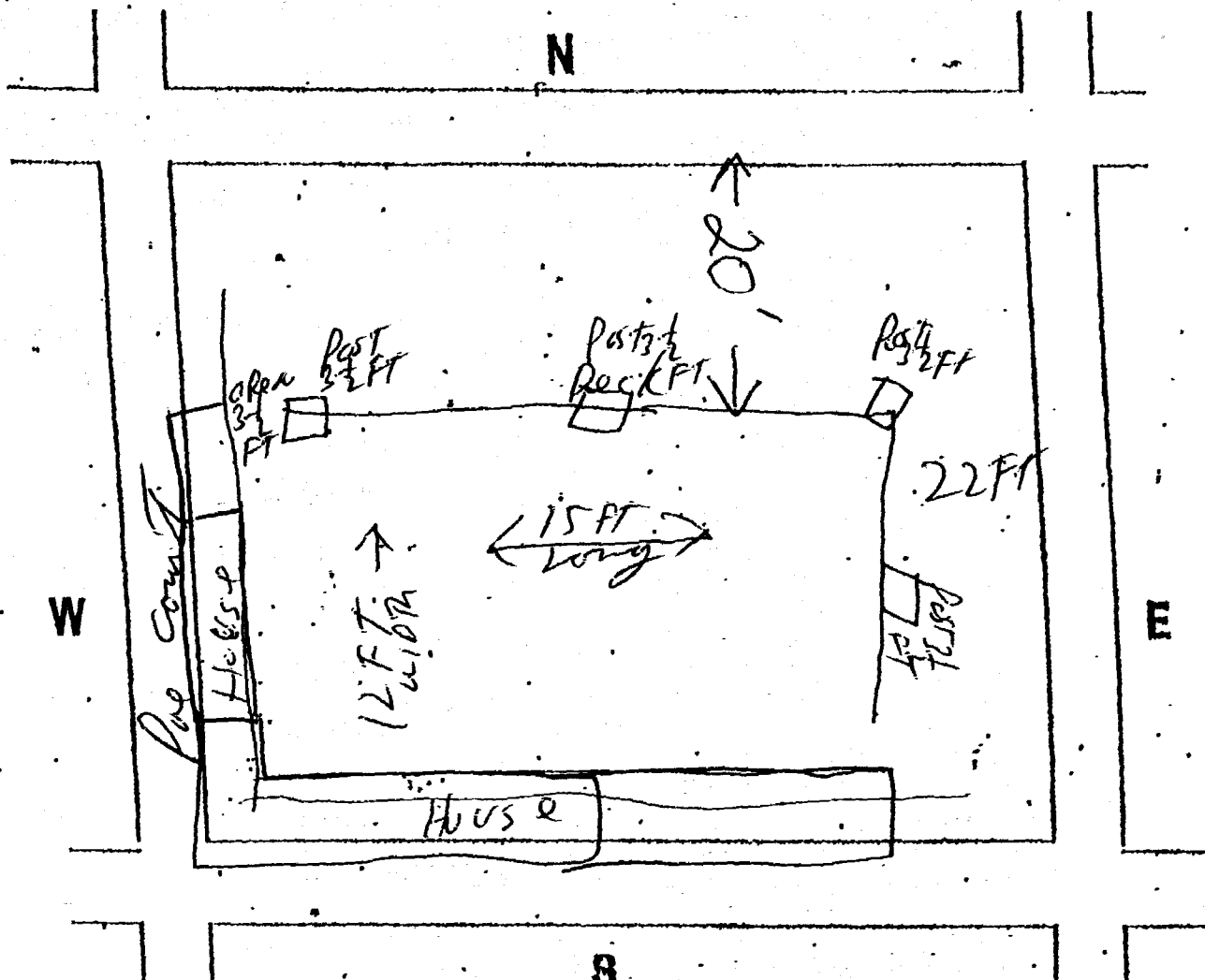
*Michael Punerets*  
(Owner's Signature)

44 Keats Dr.  
(Owner's Address)

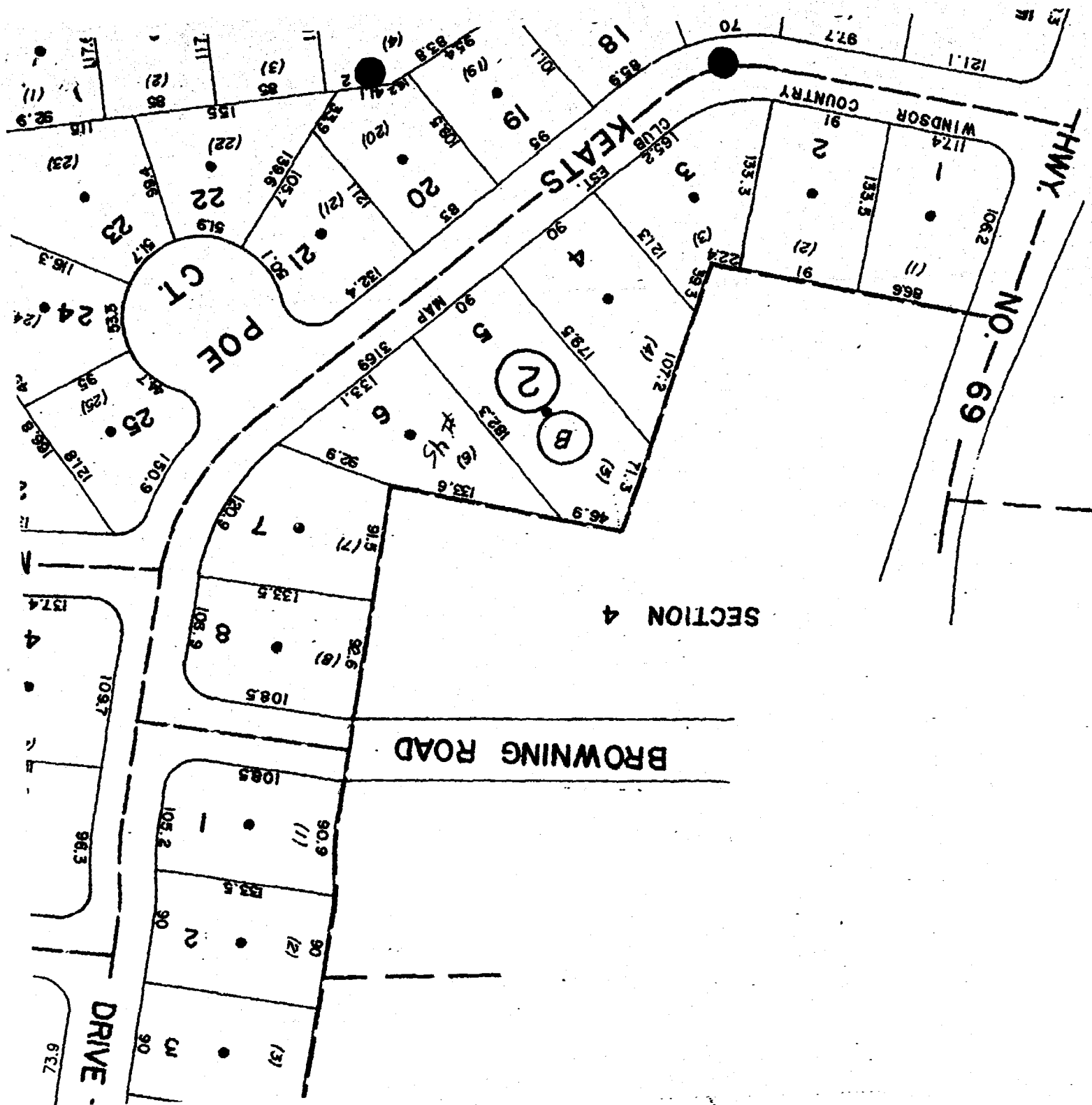
PLAT PLAN

1.01c:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



YOU MUST CALL FOR ALL NEIGHBORING PROPERTIES TO BE LOCATED AND SET BACKS INDICATED  
 IMPORTANT



Property of Mike Pisacreta  
House

kitchen

Bedroom

15 FT

Deck

12 FT

Back yard

House  
Family room

Road

**AFFIDAVIT OF MAILING**

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

MICHAEL PISACRETA

AFFIDAVIT OF  
SERVICE  
BY MAIL

#07-36

X

STATE OF NEW YORK )

) SS:

COUNTY OF ORANGE )

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 131 Mt. Airy Road, New Windsor, NY 12553.

That on the 28TH day of AUGUST, 2007, I compared the 51 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra Mason  
Myra L. Mason, Secretary

10<sup>th</sup> day of September, 20 07

J. Gallagher  
Notary Public

**JENNIFER GALLAGHER**  
Notary Public, State of New York  
No. 01GA6050024  
Qualified in Orange County  
Commission Expires 10/30/12

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

**Appeal No. 07-36**

**Request of Michael Pisacreta**

**for a VARIANCE of the Zoning Local Law to Permit:**

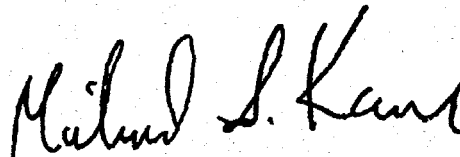
Request for variance of:

**EXISTING SHED:** 5 ft. Side Yard Setback (300-11-A-1-B)  
1 ft. 6 in. Rear Yard Setback (300-11-A-1-B)

**EXISTING DECK:** 30 ft. Rear Yard Setback (G-6)

All at 44 Keats Drive in an R-4 Zone (75-1-21)

**PUBLIC HEARING will take place on SEPTEMBER 10, 2007**  
**at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York**  
**beginning at 7:30 P.M.**

  
\_\_\_\_\_  
**Michael Kane, Chairman**





# Town of New Windsor 9/10

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101

## Assessors Office

July 27, 2007

Michael Pisacreta  
44 Keats Dr.  
New Windsor, NY 12553

Re: 75-1-21                      ZBA#: 07-36      (51)

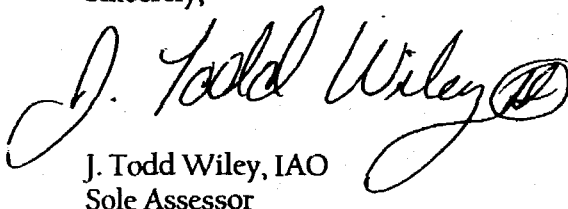
Dear Mr. Pisacreta:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$75.00 minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,

  
J. Todd Wiley, IAO  
Sole Assessor

JTW/rah  
Attachments

CC: Myra Mason, Zoning Board



4-1-11.1 JOHN L. PIZZO ENTERPRISES, 31 DOGWOOD HILLS RD. NEWBURGH, NY 12550	75-1-5 VINCENTE MAMAAT & SOCORRO MAMAAT 15 SAN GIACOMO DR. NEW WINDSOR, NY 12553	75-1-15 PHILIP & MABEL CATALDO 32 KEATS DR. NEW WINDSOR, NY 12553
4-1-49.31 BOARD OF COOPERATIVE EDUCATIONAL SERVICES MONTGOMERY, NY 12549	75-1-6 ILENE S. & FREDRIC RABINOWE 13 SAN GIACOMO DR. NEW WINDSOR, NY 12553	75-1-16 EDIBERTO & NANCY SOTO 34 KEATS DR. NEW WINDSOR, NY 12553
7-1-6, 7-1-30 FODAY & CHRISTINA SACCOH 24 CIMORELLI DR. NEW WINDSOR, NY 12553	75-1-7 MARILYN BERMAN 11 SAN GIACOMO DR. NEW WINDSOR, NY 12553	75-1-17 JEANETTE SANTIAGO 36 KEATS DR. NEW WINDSOR, NY 12553
7-1-31 WILSTON & MARJORIE MALCOLM 14 BROWNING RD. NEW WINDSOR, NY 12553	75-1-8 SHIRLEY EDWARDS 9 SAN GIACOMO DR. NEW WINDSOR, NY 12553	75-1-18 PAUL & JACQUELINE CUOMO 38 KEATS DR. NEW WINDSOR, NY 12553
7-1-32 ROSEMARY GUTHEIL 446 UNION AVE. NEW WINDSOR, NY 12553	75-1-9 WILLIAM & CAMILLE PFEUFFER 7 SAN GIACOMO DR. NEW WINDSOR, NY 12553	75-1-19 JOHN & BRENDA GILLEN 40 KEATS DR. NEW WINDSOR, NY 12553
7-2-9.2 JOHN & LINA & JOHN C. SAAVEDRA 447 UNION AVE. NEW WINDSOR, NY 12553	75-1-10 RODNEY & CHERYL BARNHILL 5 SAN GIACOMO DR. NEW WINDSOR, NY 12553 75-1-11	75-1-20 LEONARD A. & LINDA B. KARP 42 KEATS DR. NEW WINDSOR, NY 12553
75-1-1 WM. V. & ENID H. HERRMAN 23 SAN GIACOMO DR. NEW WINDSOR, NY 12553	75-1-11 MARIO MARTINEZ 3 SAN GIACOMO DR. NEW WINDSOR, NY 12553	75-1-22 MIGUEL & THERESA GARCIA 46 POE CT. NEW WINDSOR, NY 12553
75-1-2 KEVIN & JOANN MCCORMACK 21 SAN GIACOMO DR. NEW WINDSOR, NY 12553	75-1-12 TIMOTHY & CATHERINE MCGRAW 1 SAN GIACOMO DR. NEW WINDSOR, NY 12553	75-1-23 ROBERT & FRANCES REID 48 POE CT. NEW WINDSOR, NY 12553
75-1-3 MATTHEW & MILICA AWSHEE 19 SAN GIACOMO DR. NEW WINDSOR, NY 12553	75-1-13 HALVOR & LYNNE KOCH 436 UNION AVE. NEW WINDSOR, NY 12553	75-1-24 LINO & BETTY CASTELUCHE 50 POE CT. NEW WINDSOR, NY 12553
75-1-4 LUISA JEREZ 17 SAN GIACOMO DR. NEW WINDSOR, NY 12553	75-1-14 EMILIA TROTTA 438 UNION AVE. NEW WINDSOR, NY 12553	75-1-25 MARCELLIANO & NOELLA VELEZ 52 KEATS DR. NEW WINDSOR, NY 12553



75-1-26  
ANTHONY &  
ANNE CRAPANZANO  
202 MELVILLE DR.  
NEW WINDSOR, NY 12553

75-2-7  
MITCHELL & TONI ANN GREIG  
51 KEATS DR.  
NEW WINDSOR, NY 12553

75-4-7  
JOHN & JAMIE GUELBERG  
304 STEPHENSON LN.  
NEW WINDSOR, NY 12553

75-1-27  
MELANIA RIJFKOGEL  
204 MELVILLE DR.  
NEW WINDSOR, NY 12553

75-2-8  
STANLEY &  
HALINA ZIELINSKI  
53 KEATS DR.  
NEW WINDSOR, NY 12553

75-1-28  
MARTIN & LUCIA IRENE  
206 MELVILLE DR.  
NEW WINDSOR, NY 12553

75-3-1  
TRACEY R., JR. &  
HYON MI LANTHIER  
55 KEATS DR.  
NEW WINDSOR, NY 12553

75-1-29  
SHAWN & TONYA CHEATHAM  
208 MELVILLE DR.  
NEW WINDSOR, NY 12553

75-3-2  
DANIEL P. TWOMEY &  
ALLISON GREGORY  
57 KEATS DR.  
NEW WINDSOR, NY 12553

75-2-1  
WILLIAM R., JR. &  
JENIENCE PFEUFFER  
31 KEATS DR.  
NEW WINDSOR, NY 12553

75-4-1  
JOHN & LOIS JORDAN  
207 MELVILLE DR.  
NEW WINDSOR, NY 12553

75-2-2  
CHRISTOPHER CAROUD  
33 KEATS DR.  
NEW WINDSOR, NY 12553

75-4-2  
EILEEN DIETZ  
205 MELVILLE DR.  
NEW WINDSOR, NY 12553

75-2-3  
THOMAS & JANICE ACUNZO  
37 KEATS DR.  
NEW WINDSOR, NY 12553

75-4-3  
GERALDO & LINDA PEREZ  
203 MELVILLE DR.  
NEW WINDSOR, NY 12553

75-2-4  
POPE & DIMITRIOS MYLONAS  
41 KEATS DR.  
NEW WINDSOR, NY 12550

75-4-4  
RONALD & CAROL SANDROFF  
201 MELVILLE DR.  
NEW WINDSOR, NY 12553

75-2-5  
RAUL PASOLS  
43 KEATS DR.  
NEW WINDSOR, NY 12553

75-4-5  
ROBERT & JENNIFER VASTA  
300 STEPHENSON LN.  
NEW WINDSOR, NY 12553

75-2-6  
EDMUND &  
NANCY MORRISON  
45 KEATS DR.  
NEW WINDSOR, NY 12553

75-4-6  
JEROME &  
MICHELE GALINSKY  
302 STEPHENSON LN.  
NEW WINDSOR, NY 12553



RESULTS OF Z.B.A. MEETING OF: Sept: 10, 2007

PROJECT: Michael Pisacreta ZBA # 07-36  
P.B.# \_\_\_\_\_

USE VARIANCE: \_\_\_\_\_ NEED: EAF \_\_\_\_\_ PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

ALL VARIANCES - PRELIMINARY APPEARANCE:  
SCHEDULE PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ☒  
VARIANCE APPROVED: M) LU S) T VOTE: A 3 N 0.

GANN SHED DECK  
LUNDSTROM A \_\_\_\_\_  
~~LOCEY~~ A \_\_\_\_\_  
TORPEY A \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y ☒ N \_\_\_\_\_

No Public Comment

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: JACK FINNEGAN, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: NOVEMBER 9, 2007**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 127.39 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #07-36**

**NAME & ADDRESS:**

**MICHAEL PISACRETA  
P.O. BOX 803  
PLATTEKILL, NY 12568**

**THANK YOU,**

**MYRA**

**J.F.11/09/07**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #07-36      TYPE: AREA      TELEPHONE: 565-5519

**APPLICANT:**

Michael Pisacreta  
44 Keats Drive  
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # <u>731</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:      RESIDENTIAL \$300.00      CHECK # 730



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$7.00 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>7</u>	PAGES	\$ <u>49.00</u>	\$ <u>35.00</u>
2 <sup>ND</sup> PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>5</u>	PAGES	\$ <u>35.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date: 8/28/07      \$ 18.61

TOTAL:	\$ <u>102.61</u>	\$ <u>70.00</u>
--------	------------------	-----------------



ESCROW POSTED:      \$ 300.00  
LESS: DISBURSEMENTS:      \$ 172.61

AMOUNT DUE:      \$ \_\_\_\_\_

REFUND DUE:      \$ 127.39

Cc:

J.F. 11/09/07

July 23, 2007

MICHAEL PISACRETA (07-36)

MR. KANE: Next preliminary meeting is Michael Pisacreta. A request for variance of existing shed, 5 ft. side yard setback and a 1 ft. 6 in. rear yard setback. Existing deck 30 ft. rear yard setback all at 44 Keats Drive in an R-4 Zone. Good evening.

Mr. Michael Pisacreta appeared before the board for this proposal.

MR. PISACRETA: Good evening.

MR. KANE: What you want to do is state your name and address for that young lady over there to hear.

MR. PISACRETA: Michael Pisacreta, 44 Keats Drive in New Windsor. I put my house up for sale and one of my coworkers at work -- I told him I was selling my house and he informed me I have a shed and I have a little deck and he said well, did you ever get permits. I said that I was informed I did not have to. One from the contractor who built the little deck because he told me because the deck is not attached to the house you don't need a permit. No, it's not attached. It's next to the house. He told me I did not need a permit to build that deck. And then as far as the shed, I bought that shed from Mr. Shed over there on 94 and when I bought that shed they told me so many feet from my neighbor's fences I didn't need a permit for that either and I believed these people. Now when I talk to my coworker they said you better go to the town and you better find out if you do need a permit and that is why I am here.

MR. KANE: You need a permit for everything.

MR. PISACRETA: Yes.

July 23, 2007

MR. KANE: Yes.

MR. KANE: How long has the deck been in existence?

MR. PISACRETA: Been there for four years.

MR. KANE: Four years. Any complaints formally or informally?

MR. PISACRETA: No. One of my neighbors liked the paint job I did on it and wanted the same color I had.

MR. KANE: Create any water hazards or run off?

MR. PISACRETA: No, sir no.

MR. KANE: Cut down any trees, substantial vegetation in the building of the deck?

MR. PISACRETA: No.

MR. KANE: Is the deck similar in size and nature to other decks in your neighborhood?

MR. PISACRETA: It's a lot smaller.

MR. KANE: Okay.

MR. PISACRETA: Just one little flat little --

MR. KANE: And let me just check one thing here. Any easements running through where the deck is?

MR. PISACRETA: No.

MR. KANE: That is about it on the deck for me. Any further questions on the deck from the Board? The shed itself, again, cut down any trees, substantial vegetation in the building of the shed?



July 23, 2007

MR. PISACRETA: No.

MR. KANE: About how long has the shed been there?

MR. PISACRETA: That shed has been there for six years.

MR. KANE: Any complaints about the shed?

MR. PISACRETA: No complaints at all.

MR. KANE: Shed is similar in size and nature to other sheds in your neighborhood?

MR. PISACRETA: Yes.

MR. KANE: Okay. Any easements running through where the shed is?

MR. PISACRETA: No.

MR. KANE: And Mike, we have 1 ft. 6 in. on the rear yard setback. Is that getting a little tight?

MR. BABCOCK: I think so, yes.

MR. KANE: Is it easier to round it off to 2 feet?

MR. BABCOCK: I didn't do it. They brought it in and measured.

MR. KANE: Because whatever it is and if a bank goes there later on and you are 1 ft. 7 in. you are in trouble.

MR. PISACRETA: I see.

MR. KANE: You will be back here. I want to make sure of, you know, when we get that that is

July 23, 2007

pretty tight. I want to make sure you have the right thing.

MR. BABCOCK: I am not quite sure where we got those numbers from. I am sure we got --

MR. KANE: Can we double check and see if you are requesting enough of a variance for that to make sure we have no mistakes later on?

MR. KRIEGER: You have to advertise that. You put that in the advertisement.

MR. BABCOCK: Is there a survey that shows these numbers?

MR. PISACRETA: I don't think so.

MR. KANE: Do you know where we got the numbers from?

MR. PISACRETA: When I came here and I filled out the forms, that was it. I was told, you know, somebody would come and measure everything.

MR. KANE: We need to double check.

MR. BABCOCK: We don't measure it.

MR. KANE: Please give Mike or Myra a call. It has to go to you first Mike?

MR. BABCOCK: Yes, either one. Just change the numbers.

MR. KANE: And we need to get that in correctly. It has to be correct for the newspaper.

MR. PISACRETA: I can measure it myself.

MR. KRIEGER: That would be the wisest thing to do and then you would know since you are the one that is going to be penalized and in trouble. Before you listen to other people do it

July 23, 2007

yourself.

MR. PISACRETA: Your right, yup.

MR. KANE: Let's make sure of those numbers.  
Please give Myra a call as soon as possible.

MR. PISACRETA: Call her up and tell her?

MR. KANE: We need to make sure those things are correct for what goes into the newspaper, which is ten days before your hearing.

MR. PISACRETA: Okay. So that is for my neighbor's fences?

MR. KANE: Right, from your property line to the rear of the shed.

MR. PISACRETA: Now, my neighbor's property, she has a fence which is on my property that has come onto mine and, you know, I never said anything all of these years, but her fence is on my side of the property line quite a few inches.

MR. KRIEGER: Does she recognize the measurements to the property line?

MR. PISACRETA: The fence is over the property line.

MR. KRIEGER: The fence is irrelevant, but with respect to the fence you should -- if you don't want her to move it you should have the agreement that her fence is on your property.

MR. PISACRETA: Right because I have a survey that shows, you know --

MR. KANE: Follow-up on it.

MR. PISACRETA: I have that.

July 23, 2007

MR. BABCOCK: On that survey it should show the --

MR. PISACRETA: No, it wasn't there. It was when I first bought the house. This shed and deck was built.

MR. KANE: You want to make sure of those numbers. If those numbers are wrong and if we pass the variances you will be back.

MR. PISACRETA: Okay. I will call first thing.

MR. KANE: Any further questions?

MR. LUNDSTROM: Your application for the variance for the deck --

MR. PISACRETA: Right.

MR. LUNDSTROM: -- this photograph, it does not look like it's to scale. It looks like the deck is two, three times larger than the house.

MR. PISACRETA: No, it's not.

MR. LUNDSTROM: I did not think so. What you may want to do for preparation of the public hearing is re-draw that to scale. There it looks like here the house is impeded on the roofs. I don't think that is the case either.

MR. PISACRETA: No, that is in the backyard.

MR. LUNDSTROM: You may want to redo that.

MR. BABCOCK: Yes.

MR. LUNDSTROM: Just put it on a regular piece of paper.

MR. BABCOCK: This is based on your neighbor's? You wrote this 8 1/2 here, 5 feet here?

July 23, 2007

MR. PISACRETA: Right. Okay. That's correct. That is what I measured. Yes, that's correct. The numbers are right.

MR. KANE: So you want to go with the 1 ft., 6 in.?

MR. PISACRETA: That's right.

MR. KANE: Settled. Any further questions from the Board? I will accept a motion.

MR. LUNDSTROM: I will offer a motion for the application of Mr. Michael Pisacreta for a variance as documented on the agenda of the Zoning Board of Appeals, Town of New Windsor, dated July 23rd, 2007 be allowed to proceed to a public hearing.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. KANE	AYE

MICHAEL\_PISACRETA\_(07-36)

MS. GANN: Request for variance of existing shed, 5 foot side yard setback, 1 foot 6 inch rear yard setback and existing deck, 30 foot rear yard setback all at 44 Keats Drive.

Mr. Michael Pisacreta appeared before the board for this proposal.

MS. GANN: Please state your name and address, tell us why you're here.

MR. PISACRETA: Michael Pisacreta, address is 44 Keats Drive. I'm asking for a variance for an existing shed and existing deck in my back yard.

MS. GANN: How long has the shed been there, Mike?

MR. PISACRETA: Eight years, I guess.

MS. GANN: Was that when you originally bought the home?

MR. PISACRETA: I bought the house 10 years ago, we bought it seven, eight years ago.

MS. GANN: Received any complaints formally or formally?

MR. PISACRETA: No complaints.

MS. GANN: How close is the shed to the property line?

MR. PISACRETA: The shed is one and a half feet from my rear and five feet from the other person.

MR. BABCOCK: That's the variances that he's requesting, the shed is actually five foot from one side and eight foot six inches from the other side,

requirement of 10.

MS. GANN: What's the shed built on?

MR. PISACRETA: It's on railroad ties, I put it on cause my property is all stone, there's all rocks there, you can't dig down so I have it on railroad ties where they leveled it and I have a ramp that goes up into the shed.

MS. GANN: Is the shed similar in size and nature to other sheds in the neighborhood?

MR. PISACRETA: Yeah, same size, standard size shed.

MS. GANN: Does the shed sit on any easements that you know of?

MR. PISACRETA: No, it's on my property.

MS. GANN: And did you take any substantial vegetation down in putting the shed there?

MR. PISACRETA: No, there's all rock, that's why they put it on railroad ties.

MS. GANN: How about drainage, any issues with drainage?

MR. PISACRETA: No problems, it's elevated, my property slopes down so all the water goes down.

MS. GANN: Any other questions regarding the shed?

MR. LUNDSTROM: No.

MS. GANN: Move on to the deck now. How long has the deck been there?

MR. PISACRETA: Let's see, the deck's been there a

good, it was built after the shed, maybe 6 years I guess it's been a long time ago, I'm there 10 years.

MS. GANN: Did you get a building permit to build it?

MR. PISACRETA: Contractor who came, I forget their names, I said do you have a permit for that, he says no because it's not attached to the house, it's up against the house, I don't need a permit, that's what he told me, I know he's full of crap.

MS. GANN: Did you take any substantial vegetation down in the building of the deck?

MR. PISACRETA: No.

MS. GANN: Create any drainage issues?

MR. PISACRETA: No problems there.

MS. GANN: Is the deck similar in size to other decks in your neighborhood?

MR. PISACRETA: It's like the smallest one, it's about the same, it's only 12 x 14 feet, 12 x 12, it's not just on the ground.

MS. GANN: Does it go over any easements?

MR. PISACRETA: No, no easements, it's in my back yard.

MR. KRIEGER: Appears to be adjacent to a doorway.

MR. PISACRETA: Yeah, that's my house.

MR. KRIEGER: If the deck were not there, a person exiting the doorway would be likely to fall and sustain injury?

MR. PISACRETA: No, it's level.



MR. LUNDSTROM: If the doorway's here, the deck is here, if the deck were not there, someone walking out that door could possibly fall and sustain substantial injury?

MR. PISACRETA: Yes.

MS. GANN: Any other questions?

MR. LUNDSTROM: Since the deck was not built properly with a building permit, is it your intention to get a building permit to follow that procedure now?

MR. PISACRETA: Yes, I guess that's why I'm here, right?

MS. GANN: At this time, I'm going to open it up to the public, see if there's anybody here for the public portion of this meeting? Seeing that there's not, I'll close the public portion, ask Myra how many mailings?

MS. MASON: On August 28, I mailed out 51 addressed envelopes, had no response.

MS. GANN: If there's no further questions, I'll accept a motion.

MR. LUNDSTROM: Madam Chairwoman, I will offer a motion that the two applications by Mr. Michael Pisacreta, one for an existing shed and the other for existing deck as documented on the agenda for the Zoning Board of Appeals dated September 10, 2007 that those both variances be approved.

MR. TORPEY: I'll second it.

ROLL CALL

MR. LUNDSTROM            AYE

September 10, 2007

56

MR. TORPEY                    AYE  
MS. GANN                     AYE

MS. MASON: Just read that over, tells you what to do next.

MS. GANN: You're all set, thank you. Motion to adjourn.

MR. LUNDSTROM: So moved.

MR. TORPEY: Second it.

ROLL CALL

MR. LUNDSTROM               AYE  
MR. TORPEY                  AYE  
MS. GANN                    AYE

Respectfully Submitted By:

Frances Roth  
Stenographer



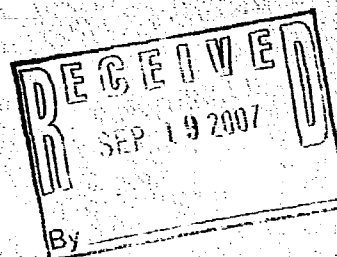
# THE SENTINEL

P.O. BOX 406  
VALS GATE, NY 12584

## Invoice

Date	Invoice #
9/13/2007	775

Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553



P.O. No.	Terms	Project
M.M.		

Issue Date	Description	Rate	Amount
8/28/2007	LEGAL ADS: 07-37 ZALOGA 1 AFFIDAVIT	11.45 4.00	11.45 4.00
8/28/2007	LEGAL ADS: 07-36 MICHAEL PISACRETA 1 AFFIDAVIT	14.61 4.00	14.61 4.00
8/28/2007	LEGAL ADS: 07-38 McLOUGHLIN 1 AFFIDAVIT	12.64 4.00	12.64 4.00
8/28/2007	LEGAL ADS: 07-40 COOPER 1 AFFIDAVIT	10.66 4.00	10.66 4.00
8/28/2007	LEGAL ADS: 07-42 STEVEN LARMON 1 AFFIDAVIT	11.45 4.00	11.45 4.00
8/28/2007	LEGAL ADS: 07-41 STANFORD 1 AFFIDAVIT	11.06 4.00	11.06 4.00
		<b>Total</b>	\$95.87

**PUBLIC HEARING NOTICE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 07-36

Request of Michael Pisacreta  
for a VARIANCE of the Zoning Local  
Law to Permit:

Request for variance of:

EXISTING SHED: 5 ft. Side Yard  
Setback (300-11-A-1-B)  
1 ft. 6 in. Rear Yard Setback  
(300-11-A-1-B)

EXISTING DECK: 30 ft. Rear Yard  
Setback (G-6)

All at 44 Keats Drive in an R-4 Zone  
(75-1-21)

PUBLIC HEARING will take place on  
SEPTEMBER 10, 2007  
at the New Windsor Town Hall, 555  
Union Avenue, New Windsor, New  
York  
beginning at 7:30 P.M.

Michael Kane, Chairman

State of New York

County of Orange, ss:

Kathleen O'Brien being duly sworn  
disposes and says that she is  
the Supervisor of Legal Dept. of the  
E.W. Smith Publishing Company; Inc.,  
Publisher of The Sentinel, a weekly  
newspaper published and of  
general circulation in the Town of New  
Windsor, Town of Newburgh and City  
of Newburgh and that the notice of which  
the annexed is a true copy was published  
in said newspaper, 1 time (s)  
commencing on  
the 28th day of August A.D., 2007  
and ending on the 28th day of  
August A.D. 2007

*Kathleen O'Brien*

Subscribed and shown to before me  
this 19<sup>th</sup> day of Sept, 2007.

*Deborah Green*

Notary Public of the State of New York  
County of Orange.

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
#4984065  
Commission Expires July 15, 2011

My commission expires \_\_\_\_\_.

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#534-2007**

07/19/2007

Pisacreta, Michael  
44 Keats Drive  
New Windsor, NY 12553

Received \$ 50.00 for Zoning Board Fees, on 07/19/2007. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
Town Clerk

ZBA #07-36



RESULTS OF Z.B.A. MEETING OF: July 23, 2007

PROJECT: Michael Pisacreta ZBA # 07-36  
P.B.# \_\_\_\_\_



USE VARIANCE: \_\_\_\_\_ NEED: EAF \_\_\_\_\_ PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) Lu S) G VOTE: A 4 N 0

GANN A  
LUNDSTROM A  
LOCEY A  
~~TORPEY~~ \_\_\_\_\_  
KANE A

CARRIED: Y ✓ N \_\_\_\_\_

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES \_\_\_\_\_  
VARIANCE APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

Deck existing since 2003  
Shed existing since 2001  
Double Check 1' 6" Redo Ad if change - OK  
July 23, 2007 Agenda

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**  
**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 07-17-07

FOR: ESCROW 07-36

FROM:

**Michael Pisacreta**  
**44 Keats Drive**  
**New Windsor, NY 12553**

CHECK FROM:  
SAME

CHECK NUMBER: 730

TELEPHONE: 565-5519

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME J. Ferrigno DATE 7-19-07

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689

## ZONING BOARD OF APPEALS

July 17, 2007

Michael Pisacreta  
44 Keats Drive  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #07-36

Dear Mr. Pisacreta:

This letter is to inform you that you have been placed on the July 23, 2007 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

44 Keats Drive  
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm



TOTAL CHARGES: \_\_\_\_\_



TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS



APPLICATION FOR VARIANCE

6-13-07

Date

Application Type: Use Variance ☐ Area Variance ☐  
Sign Variance ☐ Interpretation ☐

I. Owner Information:

e-mail address: Michael L Pisacreta@aol.com  
Phone Number: (845) 565-5519  
Fax Number: ( )

Michael Pisacreta  
(Name)

44 Keats Dr New Windsor NY 12553  
(Address)

II. Applicant:

e-mail address: Michael Pisacreta@aol.com  
Phone Number: (845) 565-5519  
Fax Number: ( )

Michael Pisacreta  
(Name)

44 Keats Dr New Windsor NY 12553  
(Address)

III. Forwarding Address, if any, for return of escrow: Phone Number: ( )

Fax Number: ( )

(Name) Michael Pisacreta

21 Silo Ridge Drive PLATEKILL NY 12568  
(Address)

IV. Contractor/Engineer/Architect/Surveyor/: Phone Number ( )

Fax Number: ( )

(Name)

(Address)

V. Property Information:

Zone: R-4 Property Address in Question: \_\_\_\_\_  
Lot Size: 0.33 acre Tax Map Number: Section 75 Block 1 Lot 21  
a. Is pending sale or lease subject to ZBA approval of this Application? no  
b. When was property purchased by present owner? yes  
c. Has property been subdivided previously? no If so, When: \_\_\_\_\_  
d. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? no

\*\*\*\*PLEASE NOTE:\*\*\*\*

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Disapproval form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.	<del>10'</del>	<del>5'</del>	<del>5'</del>
Reqd. Rear Yd.	10' DECK 50'	8'-6" DECK 20'	1'-6" DECK 30'
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ratio**			
Parking Area			

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

The shed doesn't have an impact on  
physical or environmental conditions. It's well maintained.  
It's needed for storage.

The deck is very small and poses no physical conditions  
harmful to environment. It also enlarges the  
property.  
NO #2 NO  
NO #5 YES

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- 
- 

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 , (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 , (application fee)
- ☐ One in the amount of \$ 25.00 , (Public Hearing List Deposit)
  
- ☐ Photographs of area that variance(s) is/are being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

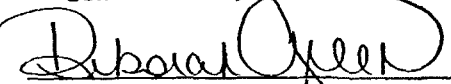
COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

18<sup>th</sup> day of June 2007

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
#4984065  
Commission Expires July 15, 2007

  
Signature and Stamp of Notary

  
Owner's Signature (Notarized)

Michael Piracreta  
Owner's Name (Please Print)

\_\_\_\_\_  
Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

PROJECT I.D. NUMBER

617.21

SEQR

## Appendix C

State Environmental Quality Review

# SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

## PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <i>Michael Pisacreta</i>		2. PROJECT NAME	
3. PROJECT LOCATION: Municipality _____ County _____			
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>44 Keath PK near Henderson NY 12573</i>			
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration			
6. DESCRIBE PROJECT BRIEFLY: <i>Deck was built shed was added.</i>			
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres			
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly			
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:			
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals			
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval			
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor name: <i>Michael Pisacreta</i>		Date: <i>6-13-07</i>	
Signature: <i>Michael Pisacreta</i>			

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:	
<i>no</i>	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:	
<i>no</i>	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:	
<i>no</i>	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:	
<i>no</i>	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:	
<i>no</i>	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:	
<i>no</i>	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
<i>no</i>	
D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No If Yes, explain briefly

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which <b>MAY</b> occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide on attachments as necessary, the reasons supporting this determination:	
_____	
Name of Lead Agency	
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)
_____	
Date	

E MAIL  
7/923



**TOWN OF NEW WINDSOR**  
(845) 563-4615 (MYRA MASON)  
**ZONING BOARD APPLICATION PACKAGE**

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (COMPLETE ONLY THE PAGES WITH HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN ONE ORIGINAL AND ONE COPY OF ALL PAPERWORK (unless otherwise specified) TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

**RESIDENTIAL: (Three Separate Checks Please)**

APPLICATION FEE: \$ 50.00  
\*ESCROW: \$300.00  
**\*\*DEPOSIT** FOR PUBLIC HEARING LIST: **\$ 25.00**

**MULTI-FAMILY: (Three Separate Checks Please)**

APPLICATION FEE: \$150.00  
\*ESCROW: \$500.00  
**\*\*DEPOSIT** FOR PUBLIC HEARING LIST: \$ 25.00

**COMMERCIAL: (Three Separate Checks Please)**

APPLICATION FEE: \$150.00  
\*ESCROW: \$500.00  
**\*\*DEPOSIT** FOR PUBLIC HEARING LIST: \$ 25.00

**INTERPRETATION: (Three Separate Checks Please)**

APPLICATION FEE: \$150.00  
\*ESCROW: \$500.00  
**\*\*DEPOSIT** FOR PUBLIC HEARING LIST: \$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST (PRELIMINARY) MEETING.

\*

**ESCROW**

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.




LIST OF PROPERTY OWNERS WITHIN 500 FT. RADIUS OF PROPERTY IN QUESTION:

APPROXIMATE COST FOR PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES IS \$1.00 EA. ADDITIONAL NAME

PAGE 1

 **COMPLETE ONLY THE PAGES WITH CHECKED BOX IN CORNER OF PAGE. PLEASE SUBMIT ONE ORIGINAL AND ONE COPY OF ALL PAPERWORK (unless otherwise specified).**



## **PUBLIC HEARING LIST OF PROPERTY OWNERS**

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE). BRING ENOUGH ENVELOPES PREPARED WITH YOUR RETURN ADDRESS AND A REGULAR \$.39 STAMP WITH YOU....**YOUR PUBLIC HEARING DATE WILL BE SET AT THIS TIME.**
3. WHEN YOU COME IN TO PICK UP YOUR LIST, **ALLOW YOURSELF ENOUGH TIME TO FINISH PREPARING THE MAILINGS HERE AT THE TOWN HALL.** YOU WILL BE GIVEN ENOUGH "NOTICES OF PUBLIC HEARING" TO PUT ONE IN EACH ENVELOPE AND SEAL IT. (It may be easier for you if you bring self-sealing envelopes.)
4. **BRING THE COMPLETED ENVELOPES TO THE ZONING BOARD SECRETARY FOR MAILING. BY DOING IT THIS WAY, WE AVOID HAVING TO SEND EACH ENVELOPE "CERTIFIED MAIL" WHICH IS VERY COSTLY.**

**NOTE:**

THE ZBA MEETS ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.



# **Town of New Windsor**

**555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689**

## **ZONING BOARD OF APPEALS**

### **TO ALL ZONING BOARD OF APPEALS APPLICANTS:**

Please note the attached letter from Orange County Department of Planning asking that referrals be made to their office for review.

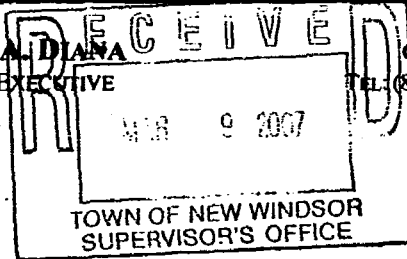
Due to this request, your application will be sent to Orange County Department of Planning for review. We are hoping to do this in a way that does not add to the time it normally takes to seek a variance.

Thank you for your cooperation in this matter.

**ZONING BOARD OF APPEALS**

**COUNTY OF ORANGE****DEPARTMENT OF PLANNING**

EDWARD A. DIANA  
COUNTY EXECUTIVE



124 MAIN STREET  
GOSHEN, NEW YORK 10924-2124  
TEL: (845)291-2318 FAX: (845)291-2533

DAVID CHURCH, A.I.C.P.  
COMMISSIONER

5 March, 2007

**POLICY REMINDER****REFERRAL OF CERTAIN MUNICIPAL PERMITS AND ACTIONS**

to COUNTY PLANNING as per NYS GENERAL MUNICIPAL LAW §239 L, M & N

**NEW POLICY GUIDEBOOK ATTACHED**

As an essential part of Orange County's renewed interest and involvement in planning and development policy, the Planning Department continues to gain staff capability and expertise. The Orange County Planning Department reviews all projects that meet the requirements of Section 239 of the NYS General Municipal Law (GML §239) for County referrals. Please be sure that your municipality is sending the required applications that come under the provisions of GML § 239. Keep in mind that if there is a project that falls under the non-mandatory review requirement, we will be glad to review it upon request of a municipal official.

**A new guidebook is attached detailing the NYS GML §239 referral process here in Orange County. Additional copies of this guidebook can be downloaded at [www.orangecountygov.com/planning](http://www.orangecountygov.com/planning).**

As a refresher, prior to making a decision on certain permits or actions, GML § 239 requires that you send to County Planning a copy of the complete application for the following "proposed actions" that are within 500 feet of the properties or thresholds listed in the statute (GML § 239-m (3)):

1. The adoption of a municipal comprehensive plan, zoning ordinance or law, or an amendment to either one;
2. The granting of a use or area variance;
3. The issuance of special use permits;
4. Site plans for residential uses;
5. Site plans for non-residential uses;
6. Subdivisions plats;
7. Other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law.

Proposed "actions" must be referred to County Planning prior to your decision if they apply to real property within five hundred (500) feet of the following:

1. The boundary of any city, village or town;
2. The boundary of any existing or proposed county or state park or any other recreation area;